

REMARKS

Claims 1-5, 8-12, 14-16 and 20-33 are pending in this application. Claims 20-32 have been withdrawn from consideration. By this Amendment, claims 1, 8 and 10 are amended, and new claim 33 is added. Claims 6 and 7 are canceled without prejudice to, or disclaimer of, the subject matter recited therein. Support for the amendments and the new claim can be found, for example, in the specification and the claims as originally filed (see pages 12-18; and claims 6, 7 and 13). No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because e.g. they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Reconsideration and allowance of the claims are respectfully requested in view of the foregoing amendments and the following remarks.

I. Allowable Subject Matter

The Patent Office indicates that claims 6-8 and 10-12 recite allowable subject matter (Office Action, page 6). Applicant appreciates this indication of allowability. More specifically, these claims are indicated as allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims.

By this Amendment, the subject matter of claims 6 and 7 are incorporated into claim 1, and claims 6 and 7 are canceled. Accordingly, it is respectfully submitted that the

rejections over the applied references are moot, and allowance of independent claim 1 and dependent claims 2-5, 8-12 and 14-16 are respectfully requested.

II. Rejections Under 35 U.S.C. §103

The Patent Office: (1) rejects claims 1-5, 9, 14 and 15 under 35 U.S.C. §103(a) as allegedly being unpatentable over EP 0985693 to Okuhira et al. ("Okuhira"); and (2) rejects claim 16 under 35 U.S.C. §103(a) as allegedly being unpatentable over Okuhira in view of U.S. Patent No. 4,853,454 to Merger et al. ("Merger"). These rejections are respectfully traversed.

Claim 1 is amended to incorporate the allowable subject matter of claims 6 and 7, thus rendering the above rejections moot. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

III. Rejoinder

Applicant also respectfully requests rejoinder of non-elected claims 20-32.

It is respectfully submitted that the subject matter of all the claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicants respectfully submit that the search and examination of the entire application could be made without serious burden. *See* MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). Applicant respectfully submits that this policy should apply in the present application to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Accordingly, withdrawal of the Restriction Requirement and rejoinder of claims 20-32 are respectfully requested

IV. New Claim

By this Amendment, new claim 33 is added. New claim 33 depends from claim 1 and, thus, is patentable for at least the reasons set forth above with respect to claim 1, as well as for the additional features recited therein.

Prompt examination and allowance of new claim 33 are respectfully requested.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-5, 8-12, 14-16 and 33 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Petition for Extension of Time

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